

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JESSICA TURNER on behalf of her minor
child J.T,

Plaintiff,

-against-

NORTHWOOD SCHOOL,

Defendant.

No.

DECLARATION OF J.T.

J.T. declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I was born on February 24, 2005, and I will turn 18 in a few weeks.
2. I live in Beacon, NY with my mom and my older brother Josiah (when he is home from college).
3. In fall 2016, when I was 11 years old and in sixth grade, I was seriously injured in an accident at dance school. After I tripped and started to fall, I put my arm out and it ended up going through a window. My arm was severely cut; the wound went as deep as the bone. I spent about 12 hours in the hospital, during which I overheard multiple people say that I almost died.
4. Later, in 2019, I had surgery to address nerve damage, but I still do not have full feeling in parts of my hand and arm.
5. My arm injury and the aftermath were extremely traumatic. I started to experience episodes that I interpreted as anxiety or panic attacks, which I initially tried to ignore.

6. I have been enrolled at Northwood School since August 2020, when I started 10th grade. Northwood is a boarding school, and I live in a dormitory room while I am on campus.

7. I love Northwood. I have made many close friends there, and I enjoy learning from all the teachers and other staff members.

8. While at Northwood, I have been particularly involved in the arts community. I do visual arts, costume design, digital art, dance, and music. I play many instruments, including the piano, bass guitar, flute, and *Guqin*, a traditional Chinese string instrument. I want to attend an arts and design school for college.

9. I am a member of several musical groups and other student organizations, including the Multicultural Student Club. Last year I also worked in the school kitchen.

10. I generally get A's and B's in my classes. In 11th grade, I was on the Honor Roll. I also received a leadership award, for which Northwood nominated me.

11. In April 2021, I suffered a really bad seizure-like episode during the night. I texted for help and an administrator found me convulsing on my dorm floor. Paramedics took me to the hospital.

12. Since then, I have had similar episodes daily to some degree. When they are less severe, I freeze up, my body shakes, and I feel pain for a short period of time, sometimes as briefly as 30 seconds. I can be responsive during such episodes. During more severe episodes, which can last up to an hour, my body convulses, my responsiveness comes and goes, I have memory gaps, and eventually I fall asleep from exhaustion. These severe episodes can happen a few times a week when I am going through a hard time, or as rarely as several times a month.

13. Not long after I went to the hospital in the spring of 2021, a neurologist, Dr. Anna Alshansky, confirmed that I was suffering from Psychogenic Nonepileptic Seizures ("PNES"). I

have also been diagnosed with Post-Traumatic Stress Disorder (PTSD) and Generalized Anxiety Disorder.

14. With the help of these diagnoses, I now understand that my episodes are a manifestation of my past trauma.

15. During and after my seizure-like episodes, I have significant difficulty concentrating, forming memories, learning, reading, thinking, communicating, working, and sleeping.

16. In June 2021, I started seeing Kelli Robbins, my therapist. She recommended a service dog to help address my seizures and my anxiety.

17. During the 2021-2022 school year (11th grade), I sometimes missed class and fell behind on assignments because of my seizures.

18. In December 2021, Northwood implemented an individualized attendance plan, which basically allowed me to make up work I missed because of PNES episodes, so long as I reported the episodes to the Health Office. My teachers and other staff were understanding and accommodating. With their support, I made Honor Roll.

19. Throughout that school year, I discussed the possibility of getting a service dog with many Northwood teachers and staff members, including John Spear, Tara Wright, Karen Cooper, and nurses at the Health Office. Almost every one of my teachers was enthusiastic; they saw how important it was to control my episodes so I could benefit from Northwood.

20. Many teachers and staff members at Northwood have pet dogs. Some are not very well behaved. One of my hall parents has a dachshund whose barking can be heard throughout the dorm. Another staff member's sheep dog once lunged at me and has gone after other dogs on campus. Another teacher lets their dog out all day on a long line with no supervision. These pet

dogs, which to my knowledge are not trained in any way, are free to roam the campus with or without their owners.

21. Juno, my service dog, is a yellow lab who comes from a breeder of service dogs. He started to live with my mom around April 2022, when he was around eight weeks old. I went on medical leave at this time because I needed to be physically present to bond with Juno and start our training while he was young. I did coursework remotely for about six weeks.

22. Juno has been individually trained to perform several different tasks. One is deep pressure therapy. When I feel a seizure starting, I can signal Juno to lay on my lap or on my whole body, which interrupts the seizure and stops it from getting worse. Juno can also detect through pheromonal changes when my heartrate is elevated, and he will bump or even jump on me to remind me to rest.

23. We are also working on adding more tasks for Juno, such as counterbalance. When I get dizzy or disoriented, I can grab Juno and be guided to safety. He is also being trained to interrupt behaviors that are manifestations of my trauma, such as picking at my skin.

24. Juno is housebroken and well-behaved. He never barks or growls aggressively. He is friendly to all people and dogs. I have never lost control of him.

25. Except when I'm at Northwood, Juno goes everywhere with me. He has improved my life dramatically.

26. When I am with Juno my seizures improve a lot. Last spring and summer, when I was with Juno every day, I had fewer seizures and they were shorter in duration. Juno also helps alleviate my PTSD and generalized anxiety.

27. I have worked hard to help pay for Juno's training and care. Among other things, I earned about \$900 working in Northwood's kitchen.

28. After Northwood refused to allow a service dog, my mom presented me with alternative options for my senior year, including remote options. These options were much worse than simply attending Northwood. I would become socially isolated and unmotivated, which would worsen my anxiety and my seizures. I would lose touch with my friends and mentors. I wanted to go to school, not rot in my house alone.

29. Northwood's decision to reject a service dog made me feel disappointed, confused, and embarrassed. It felt like Northwood, a place I love, was saying that they did not want me because I was becoming too difficult.

30. I ultimately decided to return to Northwood for the fall semester because Juno had to go to an intensive residential training program so he could be fully trained by January. I also held out hope that Northwood would change its position for the spring semester once Juno was ready to join me.

31. The fall semester was tough. I really missed Juno and my seizures got a lot worse because he was not around to respond to them. I went to the Health Office as instructed to document my PNES episodes. I also went to the Health Office frequently for severe menstrual cramps, as well as for a rash on my face. I did not think my use of the Health Office would ever be held against me, and I liked the staff there.

32. I also had COVID-19 for a week in September, which caused me to fall behind on work.

33. I sometimes put bandaids on my body for various reasons, all of which I explained to Northwood staff. One time I simply had cuts on my fingers. Sometimes I put on bandaids to remind myself not to scratch a particular area when I was anxious. Sometimes I put a

bandage over my eye because I get ocular migraines and light can be trigger. And sometimes I put bandaids on my face to cover up pimples.

34. I missed a few appointments with Kelli Robbins this fall because my phone was broken and for other reasons, but I had not decided to stop seeing her.

35. I see a psychiatric nurse practitioner, Judi Siebold, for medication management relating to my mental health. When I saw her in late October of last year, I told her I had been feeling particularly anxious. She recommended an increase in my Lexapro dosage.

36. Unfortunately, that made everything worse. That week, my mood seemed to bounce between extreme highs and lows; there was no middle.

37. On November 2, which is the week of the anniversary of a close friend's death by suicide, I was feeling really sad and went to visit a male friend in his dorm, even though female students are not really allowed to visit male students in their dorms. Mr. Spear, the Assistant Head for Student Life at Northwood, caught me. On November 4, to explain why I had been visiting my friend, I admitted that I was feeling really sad and even had thought of suicide. But I also explained how the increased Lexapro dosage appeared to be to blame for my change in mood.

38. I also admitted that I had cut myself in the past, most recently six months earlier, but I said I would never do that again. I never actually had any intent to harm myself or plan to do so, which I told Northwood.

39. When someone asked if I had anything sharp in my room, I said I had scissors because I am an artist but I did not know where they were. I never suggested that I removed my scissors because I did not want to harm myself.

40. My room was messy throughout my time at Northwood. It was no worse than usual last fall. Nobody had ever raised messiness as a serious concern.

41. After I told Northwood about how I had been feeling, the school placed me on medical leave. I was not allowed on campus, and my mom had to come pick me up and take me home.

42. I was really sad when Northwood placed me on medical leave. It again felt like they were trying to get rid of me because I was too difficult.

43. When I was put on leave, I immediately reduced my Lexapro dosage back to what it had been and my mood swings improved. I stopped thinking about harming myself and I have not thought about it since then.

44. Mr. Spear told my mom and me that the leave should only last a week at most. We therefore did not take a lot of my belongings with us when we left campus, including my art portfolio. Because I do not have the same art facilities and equipment at home, and several works in progress are at Northwood, I have been unable to make as much progress with my art portfolio over the last three months as I had planned.

45. I completed my coursework remotely last semester, but it was very different from in-school learning. Most of my classes were discussion-based, but I was unable to participate in those discussions with my peers because I was not in class with them. I was able to remotely watch only one of my classes. Most of my teachers did not really communicate with me. They simply posted assignments on a website, which were often confusing because nobody had told me what to read or how to prepare for the assignments.

46. I was also unable to continue participating in the Northwood arts community. I could not play in the band, dance, or do any visual arts.

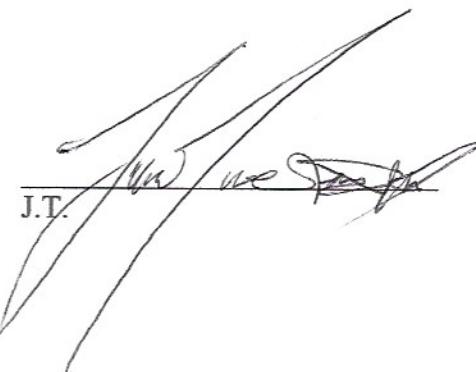
47. For my final exams, I was given very little notice that I would have to complete all my exams during a three-day block. One of my exams, which I was required to complete in a single day, was a research project that in-person students had two weeks to prepare.

48. As a result, my grades were unusually low this past semester, including several C's. On my evaluations, some of my teachers complained that I was not communicative or not present in class without noting that I was home on leave.

49. I was heartbroken to be forced to leave Northwood and I really want to go back. The second semester of the 2022-2023 school year at Northwood begins on January 30, 2023. Since I am in 12th grade, this would be my final semester at Northwood and my last chance to be on campus with my friends and community and benefit from the learning environment at Northwood that I have grown to love so much. Remote school is not the same as being in class and learning with my friends. As my performance last year reflects, I am a strong student when I am given support and accommodation for my needs.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 1/30/2023
Beacon, NY


J.T.